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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,062	05/21/2001	Shinichi Odake	A-399	7594

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,062

Applicant(s)

ODAKE ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Interpretation

2. Applicant's amendment has changed the limitation "camera type input device" to "simulated camera input device". Examiner assumes the phrase "simulated camera" to refer to the physical shape of the input device. Thus, input device must be shaped like a camera.

Claim Objections

3. Claim 16 is objected to because of the following informalities: It contains a typographical error – "and infrared light emitter" should be "an infrared light emitter". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al (US Patent Number 5,569,085) in view of Tanaka et al. (US Patent Number 6,120,379).

Claims 1 & 14: Igarashi teaches an input device (Fig 2) allowing a subject including a shooting range to be seen through a window (Fig 5). There is a display device (2) displaying a predetermined game screen including a target (48). A game operation section (52) performs predetermined game operations based on the position on the game screen at which the input device is pointed. (Col 2, 25-40) There is a detector (26) to enable detection of a target (i.e., a photo shooting central position).

Igarashi fails to teach that the target is to be “photographed”. Target games are extremely well known to the art. Tanaka teaches a camera input device for game machines. (Fig 1) Photography is a popular pastime. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adopted a photography theme for a target game in order to take advantage of the popularity of photography.

Igarashi also fails to teach the input device being a simulated camera (i.e., camera-shaped). The decorative outer shell of the input device would have no effect on the functioning of the device. Be that as it may, Tanaka teaches a camera input device. While Tanaka’s shape is somewhat unconventional, the device is a camera and is, by definition, camera-shaped. Adopting a camera-shaped outer shell for the input device would further develop the photography theme, thus increasing the enjoyment of the players. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adopted a camera-shaped, decorative outer shell for the input device in order to further develop the photography theme, thus increasing the enjoyment of the players.

Claim 3: Igarashi teaches a switch (27) for activating the input device. It is analogous to a shutter switch. There is a position detection mechanism (26) in the input device for detecting the position at which the input device is pointed when the switch is operated.

Claim 4: Igarashi teaches an image generator (35) that displays an image on the game screen (2). There is a judging unit (51) for making a judgment concerning whether or not the player can achieve a predetermined task by comparing the display position of the target with the position at which the input device is pointed when the switch is operated.

(Fig 6)

Claim 5: Igarashi teaches a raster scan display. The light receiving unit (26) is placed in the input device and detects directive incident light. The screen lighting unit emits light when the switch is operated and the position detecting unit determines the aim point based on the timing of the light detected by the light receiving unit. (Col 4, 34-53)

Claim 16: Igarashi teaches a light emitter (50) in the input device for irradiating a point on the screen for use in detection of the target. While Igarashi does not specifically teach that this is an infrared light source, use of infrared light sources is well known to the art. Using infrared light reduces interference from other sources of light such as overhead lighting or sunlight. It would have been obvious to one of ordinary skill in the art at the time of the invention to have an infrared light emitter in the input device for irradiating a point on the screen for use in detection of the target in order to reduce interference from other sources of light such as overhead lighting or sunlight, thus making the device more accurate.

Claim 17: Igarashi teaches a light receiving section (26) and a coordinate detection section (Col 4, 34-53). There is a display device (Fig 1, 2) displaying a predetermined game screen including a target (Fig 7). There is a game operation section (Fig 6, 52) performing predetermined game operations based on the position on the screen at which the input device is pointed. Tanaka teaches a camera-shaped input device (Fig 2) allowing a subject included in a photo shooting range (Fig 12) to be seen through a window (22).

6. Claims 2, 7-13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Tanaka as applied to claim 1 above (if appropriate), and further in view of Yoshida (US Patent Number 5,795,224) and Sawano et al. (US Patent Number 6,285,381).

Claims 2, 7, 9: Igarashi and Tanaka teach the invention substantially as claimed.

Igarashi teaches that the input device is tethered to the game machine to maintain an almost constant distance from the display screen. (Fig 1) Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach extracting this image from the game image displayed on the screen. Yoshida teaches extracting an image from the game image displayed on the screen that includes a predetermined range centering on the aiming point of the input device. (See Figs 5-7 & Fig 10, S6) Displaying a “photograph” that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission – i.e., a picture of the game image when the switch was activated) that includes a predetermined range centering on the aiming point of the input device would be consistent with a “photography” theme. It would have been obvious to

one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.

While Yoshida teaches displaying an image that is less than the entire scene, it is not clear that this image is less than the entire screen. Sawano, a photography game, teaches “cropping” an image to less than the image on the entire screen in order to allow the player to create a more pleasing image. (Abstract) Cropping is well known to the photographer’s art. It allows the photographer to choose those portions of a scene that make the most pleasing composition. It would have been obvious to one of ordinary skill in the art at the time of the invention to capture an image to less than the image on the entire screen in order to allow the player to create a more pleasing image.

Claims 8 & 15: Igarashi and Tanaka teach the invention substantially as claimed.

Igarashi teaches a switch (27) that is analogous to a shutter switch. The process of position detection is performed by making the display screen of the display device emit light when the switch is operated. (Col 4, 34-53) They do not teach cutting off image data by the image extracting unit when the switch is operated and capturing an image of the game immediately before or after timing-light emission – i.e., a picture of the game image when the switch was activated. Cutting off image data by the image extracting unit is another way of saying taking a “photograph”. Tanaka teaches taking a photograph. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined

range centering on the aiming point of the input device to implement a "photography" theme, thus taking advantage of the popularity of photography as a pastime.

Claim 10: Igarashi and Tanaka teach the invention substantially as claimed. Igarashi teaches using the illumination of the monitor to determine the aiming point of the input device. Igarashi does not, however, specifically teach ensuring that at least one game image is displayed between flashes of the monitor. One flash of the monitor is not perceptible to the human eye because it does not last long enough. If, however, two or more flashes occur in a row, the player can perceive a blink on the monitor. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed at least game image between monitor flashes in order to prevent a perceptible blink of the monitor.

Claim 11: Igarashi, Fig 1 clearly shows a game machine with a plurality of input devices.

Claim 12: Igarashi teaches a camera-type (i.e., light sensing) input device (Fig 2) allowing a subject including a shooting range to be seen through a window (Fig 5). There is a display device (2) displaying a predetermined game screen including a target (48). A game operation section (52) performs predetermined game operations based on the position on the game screen at which the input device is pointed. (Col 2, 25-40)

Igarashi does not, however, teach that the target is to be "photographed". Target games are extremely well known to the art. The input device may take any shape and still maintain the same functionality. (The shape itself is purely decorative and, therefore, carries no patentable weight.) Tanaka teaches a camera-type input device that takes

photographs. Photography is a popular pastime. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adopted a photography theme for a target game in order to take advantage of the popularity of photography.

Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach extracting the game image from the screen. Yoshida teaches extracting a game image from the screen that includes a predetermined range centering on the aiming point of the input device. (See Figs 5-7) Displaying a “photograph” that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission) that includes a predetermined range centering on the aiming point of the input device would be consistent with a “photography” theme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a “photograph” that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a “photography” theme, thus taking advantage of the popularity of photography as a pastime.

Claim 13: Igarashi teaches detecting the aiming point by making the monitor emit light and determining a positional relationship between the aiming point and the target. (Col 4, 34-53) There is a judging unit (51) for making a judgment concerning whether or not the player can achieve a predetermined task by comparing the display position of the target with the position at which the input device is pointed when the switch is operated. (Fig 6)

Tanaka teaches extracting an image that includes a predetermined range centering on the aiming point of the input device (the photo shooting range), but does not teach extracting a portion of the game image from the screen. Yoshida teaches extracting a portion of the game image from the screen that includes a predetermined range centering on the aiming point of the input device. (See Figs 5-7) Displaying a "photograph" that consists of an image depicting a portion of the display screen (immediately before or after timing-light emission) that includes a predetermined range centering on the aiming point of the input device would be consistent with a "photography" theme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a "photograph" that consists of an image that includes a predetermined range centering on the aiming point of the input device to implement a "photography" theme, thus taking advantage of the popularity of photography as a pastime.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi and Tanaka as applied to claim 1 above, and further in view of Furukawa (US Patent Number 4,602,709).

Claim 6: Igarashi and Tanaka teach the invention substantially as claimed. Igarashi's Fig 5 teaches placing the light-emitting section that launches directive light toward the screen in the input device. There is a photographing unit (44) for taking an electronic photograph of the screen and a position-detecting unit (55) for detecting the shooting position by detecting a position on the screen that is reached by the light emitted by the input device. There is a translucent member (46) but it is not between the light emitting device and the screen (40). Furukawa teaches projecting the target images from an

image-generating device onto a translucent member. Projection onto a translucent member allows the image to be larger without incurring the cost of enlarging the image-generating device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the translucent member between the light emitting device and the image generating device in order that the image could be projected onto the translucent member, thus enlarging it without incurring the cost of enlarging the image generating device.

Response to Arguments

8. Applicant's amendments have overcome the previous rejections under 35 USC §101, which are hereby withdrawn.
9. Applicant's amendments have overcome the previous rejections under 35 USC §112, which are hereby withdrawn.
10. Applicant's arguments filed 26 November 2002 have been fully considered but they are not persuasive.
11. Applicant argues that Tanaka fails to teach a window for viewing a subject or a detector to enable detection of a photo shooting central position. Tanaka's Fig 1, 22 shows a window for viewing a scene. Fig 12 shows the user viewing a scene through this window. Both Tanaka and Igarashi teach a sensor for detecting a photo shooting central position. Igarashi detects the location of a target on the screen. Tanaka obviously detects a photo shooting central position – it takes a picture of the subject. (See Fig 12.)
12. With regard to claims 2, 7-13 & 15, Applicant's arguments are moot because of new grounds for rejections.

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13. With regard to claim 10, the difference in the reason for avoiding two consecutive light screens is immaterial. It makes no difference whether the reason to avoid this situation is to avoid a flash perceptible by the player or to keep the two flashes from merging into one for other (unspecified) purposes.

14. With regard to claim 6, Applicant merely makes the statement that the references fail to teach the claimed invention. This is not an argument and cannot be refuted except by referring the Applicant to the rejection outlined above.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

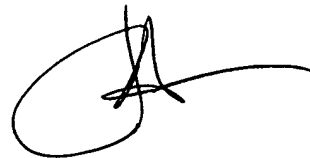
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

January 21, 2003



JESSICA HARRISON
PRIMARY EXAMINER